

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To: ROBERT C. HYTA WELLS ST. JOHN, P.S. 601 WEST FIRST STREET, SUITE 1300 SPOKANE, WA 99201-3828			<b>PCT</b>  WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY  (PCT Rule 43bis.1)		
			Date of mailing (day/month/year) <b>12 AUG 2005</b>		
Applicant's or agent's file reference  PC03-160			<b>FOR FURTHER ACTION</b> See paragraph 2 below		
International application No.  PCT/US05/03138		International filing date (day/month/year)  28 January 2005 (28.01.2005)		Priority date (day/month/year)  30 January 2004 (30.01.2004)	
International Patent Classification (IPC) or both national classification and IPC  IPC(7): C11D 3/37; C07C 17/00, 19/08, 21/18, 22/08 and US Cl.: 510/475, 535; 570/123, 125, 126, 127, 138					
Applicant  PCBU SERVICES, INC.					

1. This opinion contains indications relating to the following items:

EV832835312

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application  |

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer Brian P. Mruk Telephone No. (571) 272-1700
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International application No.

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**Box No. I Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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**Box No. V Reasoned statement under Rule 43 *bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)

Claims Please See Continuation Sheet YES

Claims Please See Continuation Sheet NO

Inventive step (IS)

Claims Please See Continuation Sheet YES

Claims Please See Continuation Sheet NO

Industrial applicability (IA)

Claims Please See Continuation Sheet YES

Claims Please See Continuation Sheet NO

2. Citations and explanations:

Please See Continuation Sheet

**WRITTEN OPINION OF THE  
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**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

**V.1. Reasoned Statements:**

The opinion as to Novelty was positive (Yes) with respect to claims 10-11, 13-19, 22-23, 26-29, 32-33, 52-53, 63-64

The opinion as to Novelty was negative (No) with respect to claims 1-9, 12, 20-21, 24-25, 30-31, 34-51, 54-62

The opinion as to Inventive Step was positive (Yes) with respect to claims 10-11, 13-19, 22-23, 26-29, 32-33, 52-53, 63-64

The opinion as to Inventive Step was negative (NO) with respect to claims 1-9, 12, 20-21, 24-25, 30-31, 34-51, 54-62

The opinion as to Industrial Applicability was positive (YES) with respect to claims 1-64

The opinion as to Industrial Applicability was negative (NO) with respect to claims NONE

**V. 2. Citations and Explanations:**

Claims 1-9, 12, 20-21, 24-25, 34-51 and 54-62 lack novelty under PCT Article 33(2) as being anticipated by Knell et al, U.S. Patent No. 3,843,735.

Knell et al, U.S. Patent No. 3,843,735, discloses 3-perfluoroalkyl-1 propenes of the formula  $R_fCH_2CH=CH_2$  (see abstract and col. 1, lines 1-5). Specifically, note preparation Example 8, which discloses a compound that meets the requirements of the instant invention. Therefore, instant claims 1-9, 12, 20-21, 24-25, 34-51 and 54-62 are anticipated by Knell et al, U.S. Patent No. 3,843,735.

Claims 1-5, 12, 30-31, 36-48 and 54-59 lack novelty under PCT Article 33(2) as being anticipated by Krespan et al, U.S. Patent No. 5,504,265.

Krespan et al, U.S. Patent No. 5,504,265, discloses a saturated linear polyfluorohydrocarbon for use in cleaning compositions (see abstract). It is further taught by Krespan et al that suitable polyfluorohydrocarbons include those listed in col. 3, lines 20-67, and that the polyfluorohydrocarbons contain olefins and metal complexes (see col. 7, line 56-col. 8, line 5), per the requirements of the instant invention. Therefore, instant claims 1-5, 12, 30-31, 36-48 and 54-59 are anticipated by Krespan et al, U.S. Patent No. 5,504,265.

Claims 10-11, 13-19, 22-23, 26-29, 32-33, 52-53 and 63-64 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the specific  $R_f$ -surfactant compositions required in claims 10-11, 13-19, 22-23, 26-29, 32-33, 52-53 and 63-64.

Claims 1-64 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.